

AMENDED IN SENATE APRIL 2, 2001

SENATE BILL

No. 790

Introduced by Senator Karnette

February 23, 2001

An act to amend Section 188.8 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 790, as amended, Karnette. Transportation: funding.

Under existing law, there is a State Transportation Improvement Program process that requires the California Transportation Commission and the Department of Transportation to prepare 5-year fund estimates of all transportation funds that are available to the state and requires those funds to be programmed and allocated in accordance with certain formulas.

This bill would ~~specify that it is the intent of the Legislature to enact legislation that removes~~ *remove certain* restrictions on county share advances from the State Transportation Improvement Program process ~~to promote efficient use of transportation funding.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. It is the intent of the Legislature to enact~~
- 2 *SECTION 1. Section 188.8 of the Streets and Highways Code*
- 3 *is amended to read:*
- 4 188.8. (a) From the funds programmed pursuant to Section
- 5 188 for regional improvement projects, the commission shall

1 approve programs and program amendments, so that funding is
2 distributed to each county of County Group No. 1 and in each
3 county of County Group No. 2 during the county share periods
4 commencing July 1, 1997, and ending June 30, 2004, and each
5 period of four years thereafter. The amount shall be computed as
6 follows:

7 (1) The commission shall compute, for the county share
8 periods all of the money to be expended for regional improvement
9 projects in County Groups Nos. 1 and 2, respectively, as provided
10 in Section 188.

11 (2) From the amount computed for County Group No. 1 in
12 paragraph (1) for the county share periods the commission shall
13 determine the amount of programming for each county in the
14 group based on a formula which is based 75 percent on the
15 population of the county to the total population of County Group
16 No. 1 and 25 percent on state highway miles in the county to the
17 total state highway miles in County Group No. 1.

18 (3) From the amount computed for County Group No. 2 in
19 paragraph (1) for the county share periods the commission shall
20 determine the amount of programming for each county in the
21 group based on a formula which is based 75 percent on the
22 population of the county to the total population of County Group
23 No. 2 and 25 percent on state highway miles in the county to the
24 total state highway miles in County Group No. 2.

25 (b) Notwithstanding subdivision (a), that portion of the county
26 population and state highway mileage in El Dorado and Placer
27 Counties that is included within the jurisdiction of the Tahoe
28 Regional Planning Agency shall be counted separately toward the
29 area under the jurisdiction of the Tahoe Regional Transportation
30 Agency and shall not be included in El Dorado and Placer
31 Counties. The commission shall approve programs, program
32 amendments, and fund reservations for the area under the
33 jurisdiction of the Tahoe Regional Transportation Agency which
34 shall be calculated using the formula described in paragraph (2) of
35 subdivision (a).

36 (c) A transportation planning agency designated pursuant to
37 Section 29532 of the Government Code, or a county transportation
38 commission created by Division 12 (commencing with Section
39 130000) of the Public Utilities Code, may adopt a resolution to
40 pool its county share programming with any county or counties

1 adopting similar resolutions to consolidate its county shares for
2 two consecutive county share periods into a single share covering
3 both periods. A multicounty transportation planning agency with
4 a population of less than three million may also adopt a resolution
5 to pool the share of any county or counties within its region. The
6 resolution shall provide for pooling the county share programming
7 in any of the pooling counties for the new single share period and
8 shall be submitted to the commission not later than May 1
9 immediately preceding the commencement of the county share
10 period.

11 (d) For the purposes of this section, funds programmed shall
12 include the following costs pursuant to subdivision (b) of Section
13 14529 of the Government Code:

14 (1) The amounts programmed or budgeted for both
15 components of project development in the original programmed
16 year.

17 (2) The amount programmed for right-of-way in the year
18 programmed in the most recent state transportation improvement
19 program. If the final estimate is greater than 120 percent of the
20 amount originally programmed, the amount shall be adjusted for
21 final expenditure estimates at the time of right-of-way
22 certification.

23 (3) The engineer's final estimate of project costs, including
24 construction engineering, presented to the commission for
25 approval pursuant to Section 14533 of the Government Code in the
26 year programmed in the most recent state transportation
27 improvement program.

28 (4) Project costs shown in the program, as amended, where
29 project allocations have not yet been approved by the commission,
30 escalated to the date of scheduled project delivery.

31 (e) Project costs shall not be changed to reflect any of the
32 following:

33 (1) Differences that are within 20 percent of the amount
34 programmed for actual project development cost.

35 (2) Actual right-of-way purchase costs.

36 (3) Construction contract award amounts.

37 (4) Changes in construction expenditures, except for
38 supplemental project allocations made by the commission.

39 (f) For the purposes of this section, the population in each
40 county is that determined by the last preceding federal census, or

1 a subsequent census validated by the Population Research Unit of
2 the Department of Finance, at the beginning of each county share
3 period.

4 (g) For the purposes of this section, “state highway miles”
5 means the miles of state highways open to vehicular traffic at the
6 beginning of each county share period.

7 (h) It is the intent of the Legislature that there is to be flexibility
8 in programming under this section and Section 188 so that, while
9 ensuring that each county will receive an equitable share of state
10 transportation improvement program funding, the types of
11 projects selected and the programs from which they are funded
12 may vary from county to county.

13 (i) Commencing with the four-year period commencing on
14 July 1, 2004, individual county share shortfalls and surpluses at the
15 end of each four-year period, if any, shall be carried forward and
16 credited or debited to the following four years.

17 (j) The commission, with the consent of the department, may
18 consider programming projects in the state transportation
19 improvement program in ~~a any region with a population of not~~
20 ~~more than 1,000,000 at a level higher or lower than a county share~~
21 *within either County Group No. 1 or County Group No. 2*, when
22 the regional agency either asks to reserve part or all of its share
23 until a future programming year, to build up a larger share for a
24 higher cost project *or several smaller projects*, or asks to advance
25 an amount of the share, in an amount not to exceed 200 percent of
26 its current share, for a larger project *or several smaller projects*, to
27 be deducted from shares for future programming years. After
28 consulting with the department, the commission may adjust the
29 level of programming in the regional program in the affected
30 region against the level of interregional programming in the
31 improvement program to accomplish the reservation or
32 advancement, for the current state transportation improvement
33 program. The commission shall keep track of any resulting
34 shortfalls or surpluses in county shares *and shall develop criteria*
35 *for county share advances that ensure county shares will be*
36 *advanced equitably among all regions*.

37 (k) Notwithstanding subdivision (a), in a region defined by
38 Section 66502 of the Government Code, the transportation
39 planning agency may adopt a resolution to pool the county share
40 of any county or counties within the region, provided that each

1 county shall receive no less than 85 percent and not more than 115
2 percent of its county share for a single county share period and 100
3 percent of its county share over two consecutive county share
4 periods. The resolution shall be submitted to the commission not
5 later than May 1, immediately preceding the commencement of
6 the county share period.

7 (l) Federal funds used for federal demonstration projects that
8 use federal obligational authority otherwise available for other
9 projects shall be subtracted from the county share of the county
10 where the project is located.

11 ~~legislation that removes restrictions on county share advances~~
12 ~~from the State Transportation Improvement Program process to~~
13 ~~promote efficient use of transportation funding.~~

